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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 10-Jun-2021**

**Subject: Planning Application 2019/92515 Partial demolition of existing building and erection of first floor and two storey rear extensions Mohaddis E Azam Education Centre and Masjid E Madani, 225C, Ravenshouse Road, Dewsbury Moor, Dewsbury, WF13 3QU**

**APPLICANT**

S Valli

**DATE VALID**

26-Jul-2019

**TARGET DATE**

20-Sep-2019

**EXTENSION EXPIRY DATE**

17-Feb-2020

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Dewsbury West**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee due to the significant number of representations received. The application was deferred at the Planning Sub-Committee Meeting on 20 February 2020 in order for the applicant to address concerns relating to the design of the proposals and parking provision at the site.
- 1.2 The Chair of the Sub-Committee has confirmed that the reason for referring the application to committee is valid having regard to the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises a Mosque and Education Centre on the western side of Ravenshouse Road, Dewsbury Moor, Dewsbury. The site is located within a predominantly residential area, with dwellings to the east and west, a retail unit to the north and the Spen Valley Country Park further to the west. The site is separated from another commercial unit to the south by a partly surfaced parking area.

**3.0 PROPOSAL:**

- 3.1 Permission is sought for the partial demolition of the existing building and erection of first floor and two storey rear extensions which would result in the creation of a two storey building. This would provide additional accommodation for storage at the first floor level, in addition to office, computer room and conference room. The proposals would also involve external alterations to the fenestration (window openings) and the addition of a dome on the roof.
- 3.2 The proposed extensions would be faced in stone to all elevations.
- 3.3 The current proposal follows two previous approvals for extensions to the building, the most recent of which is still extant.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2021/91211 – Discharge of Conditions 3 and 7 on previous permission 2017/93161 for erection of extensions and alterations - approved

2018/92581 (land adjacent No.225c) – Change of use of land to car park – pending consideration

2017/93161 – Erection of extensions and alterations – approved (not implemented)

2015/92957 – Erection of extensions and alterations – approved (not implemented)

2008/91573 – Erection of extensions and alterations to Muslim education centre - refused

2006/91570 – Change of Use from Off Licence and General Store to Mosque/Madrassa with alterations to form 6 no. parking spaces - approved

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 This application was first brought to the Heavy Woollen Planning Sub Committee on 9 January 2020 and was deferred at the request of the applicant.

5.2 The application was subsequently deferred at the Heavy Woollen Planning Sub-Committee in order to allow the applicant to address concerns relating to the design of the proposals, in addition to parking provision at the site. Amended plans have recently been received which aim to address visual amenity concerns and these have also included an amendment to the description of development, as partial demolition of the existing front elevation and southern corner would be required. These amendments have been the subject of a period of re-publicity.

#### **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The application site is unallocated on the Kirklees Local Plan.

#### **6.2 Kirklees Local Plan (2019):**

**LP 1** – Achieving sustainable development

**LP 21** – Highway Safety and Access

**LP 22** - Parking

**LP 24** – Design

**LP 48** – Community Facilities and services

### 6.3 National Planning Policy Framework:

**Chapter 8** – Promoting Healthy and Safe Communities

**Chapter 12** – Achieving well designed places

**Chapter 15** – Conserving and enhancing the natural environment

### 6.4 Supplementary Planning Guidance:

- Highways Design Guide Supplementary Planning Document
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance

6.5 On 12<sup>th</sup> November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change.

## 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 As a result of site publicity, five letters and a petition of 24 signatures have been received in support of the application and 45 representations have been received in objection to the original and first set of amended plans.

The comments received in support are summarised as follows:

- The organisation has created a positive and confident atmosphere within the Dewsbury Moor area
- The organisation has ensured positive education has reached local households
- Do not consider parking to be an issue
- The extension will help the mosque to put on better events for local people and other attendees
- Adjacent land was recently bought and is used for parking

The objections received are summarised as follows:

### Residential Amenity

- The proposed extensions will result in a loss of sunlight in the mornings
- The privacy of residents on Ravenshouse Road will be reduced
- Extensions will restrict light and views
- Use of the mosque results in noise disturbance to neighbouring residents

### Highway Safety

- The Mosque is causing severe disruption with vehicles blocking residents’ driveways and residents being delayed on their own journeys.
- Highway safety officer has taken action against the mosque and the police have been seen moving cars

- Over the last 10 years, whilst the Mosque has been operating, the Committee has done nothing to solve problems such as traffic, and made no effort to do anything about the safety of children
- Even if the Mosque creates a car park, it will not be big enough. The land to the side was acquired for parking but instead they have erected building upon it
- Parking issues caused by the mosque are affecting adjacent local businesses
- The Mosque have indicated that there are less users than the actual figure

### Other Matters

- This service is not required nor requested by the locality. There are at least 3 other Mosques within walking distance of this site
- There is no need for a two storey extension
- Residents are being pressurised into signing a petition in support of the proposal
- Concern over impact of the building process, with large vehicles blocking the road, the noise level it will create, impact on parking for residents, the general mess it will generate and the health and safety risks to residents
- The shop does not belong to the Mosque
- The Mosque will not be used for local people

7.2 In relation to the amended plans received on 19 May 2021, these have recently been advertised by Neighbour Notification letter and to date, one further representation has been received. This re-iterates highway safety concerns as set out above.

## **8.0 CONSULTATION RESPONSES:**

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### **8.1 Statutory:**

**The Coal Authority:** No objections subject to the imposition of conditions

### **8.2 Non-statutory:**

**KC Crime Prevention Officer:** Made recommendations with respect to security measures to be incorporated within the design of the development

**KC Environmental Services:** Recommended conditions relating to unexpected contamination, provision of electric vehicle charging points and lighting, in addition to footnotes relating to hours of construction and Noise levels from the Azan (new consultation response to be reported in update).

**KC Highways DM:** Re-consultation undertaken following receipt of amended plan: - the revised changes are not expected to generate additional trips or create any additional demand for parking over and above that which was approved as part of the 2017 application, however in commenting on the previous application KC Highways DM raised concerns regarding the shortage in parking. Whilst there is a pending application ref: 2018/92581 to create a car park on land adjacent to the site, this is still to be determined and therefore KC Highways DM still consider that their concerns relating to parking in the surrounding streets and the resultant highway safety issues arising from this are still relevant.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 10.2 In terms of extending and making alterations to a building, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of extending the building has been established previously by the granting of the earlier permissions (the most recent of which can still be implemented).
- 10.3 The application relates to the extension of a community facility (place of worship). Policy LP48 of the KLP states that “*Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community*”.
- 10.4 The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues, along with other policy considerations, will be addressed below.

### Urban Design issues

- 10.5 Relevant design policies include Policies LP2 and LP24 of the KLP and Chapter 12 of the NPPF. These policies seek for development to harmonise and respect the surrounding environment, with Policy LP24 (a) stating; ‘*[Proposals should promote good design by ensuring]: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*’.
- 10.6 The existing building is of single storey scale with additions of varying design located to the rear, and is considered to have a neutral impact upon visual amenity and the character of the street scene. Surrounding the site the predominant character of existing development is that of two storey brick dwellings with hipped roofs, although immediately adjacent to the north is the attached retail unit. Further to the north lies a traditional two storey stone dwelling.

- 10.7 The proposals would result in a two storey building with parapet roof, and would include 4 minarets to each corner of the building, in addition to a green fibre glass dome which would be located centrally and to the front within the roof. The design of the proposals is, to a certain degree informed by the religious function of the building.
- 10.8 The building as extended would be externally faced in stone. The current proposal would result in a building which would have a height of approximately 9.5m, with the dome on top of this.
- 10.9 With respect to the scale of the development, section drawings submitted through the course of the application demonstrate that the building (not including the dome) would be no taller than the residential dwellings opposite (to the front). At the time of the Heavy Woollen Planning Sub-Committee in February 2020, Officers had concerns that the overall design of the development, taking into account the proposed materials of construction, vertical emphasis of the fenestration and height of the dome would result in a building which would appear out of proportion with surrounding development, and detract from the character of the area. As a result, Officers considered that the proposals would result in a strident feature within the street scene, and highly prominent when viewed from both the north and south along Ravenshouse Road. Members deferred the application in order for the applicant to address visual amenity concerns in addition to the matter of parking provision.
- 10.10 Amended plans have recently been received which show the following changes:
- Amended design of dome to reflect that which was approved as part of application 2017/93161
  - Amended fenestration (window details) to address Officer's concerns (previous proposals were considered to have a significant vertical emphasis contributing to the appearance of the building being out of proportion with surrounding development)
  - Re-instatement of parapet roof in line with previous approval ref 2017/93161.
- 10.11 The applicant still proposes the use of stone to all elevations of the building, as indicated on the amended plans. A recent Discharge of Conditions application ref 2021/91211 in relation to approval ref 2017/93161 approved the use of render with stone features and the applicant was advised that this would be more appropriate to reflect the appearance of the existing building, particularly since stone is not predominantly used within the vicinity of the site (with the exception of one building to the north). Notwithstanding this, it is recommended to require the submission of external facing materials by condition.
- 10.12 In summary, the recent amendments to the proposals, taking into account the previous approval on the site, are considered on balance, to be acceptable in terms of visual amenity and accord with Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

### Residential Amenity

- 10.13 The application site is located on a predominantly residential street, and the existing building is located opposite residential properties both to the east and west. Furthermore, the topography of the site is such that the land falls away to the west.
- 10.14 Due to the circumstances set out above, the main consideration with respect to the impact of the development upon residential amenity would relate to the impact on the properties to the west of the application site (205-209 Ravenshouse Road). Through the course of the application, the applicant has submitted a section drawing which demonstrates the relationship between the proposed development and the adjacent residential properties. Due to topography, the properties to the rear are set down in relation to the application site. Taking this into account in relation to the distance of the application property from the dwellings to the rear (approximately 20m), it is considered, on balance, that the proposals would not have a significant detrimental overbearing impact upon the occupiers of these properties. Furthermore, as the application site is located to the east of these properties, it is not envisaged that the proposals would impact detrimentally by reason of overshadowing.
- 10.15 Several window openings are proposed to the rear elevation of the building as extended, and these would serve store rooms, and toilets at ground floor level, and conference room, storage and toilets/washroom at the first floor level. It is considered by officers that an adequate separation distance would be achieved between the proposed development and the dwellings to the rear, and no significant loss of privacy would result.
- 10.16 Turning to the properties to the east, these are located a further distance away from the site across Ravenshouse Road, and consist of fairly substantial two storey terraced properties with a relatively high eaves level. The impact of the development on the residential amenity of the occupiers of these properties is considered to be minimal.
- 10.17 KC Environmental Services have commented to advise that noise levels from the Azan (call to prayer) need to be controlled so that local residents are not disturbed by it. Recommendations are made with respect to the timing and frequency of the Azan
- 10.18 On the above basis, the proposals are considered to have no significant detrimental impact upon residential amenity and would accord with Policy LP24 of the KLP and the aims of the NPPF.

### Highway issues

- 10.19 KC Highways DM have raised concerns in relation to previous applications due to the potential impact on parking and traffic generation through this residential area. They also raised concerns to the previous application which was approved in 2018, as they considered that the development had inadequate levels of off street parking provision. In addition, part of the reason for deferral of the application at the Heavy Woollen Committee in February 2020 related to Members' concerns in regard to parking provision to serve the development.



- 10.20 The current application does not propose any improvement to the facility in terms of parking, although the floor space would be increased from 280 sq m to 632 sq m (a further increase from the 561 sq m proposed in 2015). The current layout could potentially accommodate 5 car parking spaces. It is likely therefore, that visitors to the site would have to park on the street which would interrupt the free movement of vehicles.
- 10.21 The area around the development is residential in nature and any increase in vehicle movements through the area must be carefully considered. The increase in the size of this facility would potentially increase the number of vehicular trips and people attending. However, it is noted that the current proposal involves the provision of a small conference room and ancillary accommodation such as storage, office and kitchen facilities. The existing prayer room is not to be materially enlarged. In addition, the amended proposed basement plan would now comprise staff access only to the electrical and mechanical room.
- 10.22 In addition to the above, the applicant states that the Mosque serves the immediate locality and the majority of worshippers visit the site on foot. The land to the side of the building has recently been purchased from the Council, and is now being made available for parking purposes for worshippers to the site (subject to a pending planning application). This will remove vehicles from the highway, however is not included within the red line boundary of the application site. Amended plans have been requested from the applicant in respect of this application, and have not yet been forthcoming.
- 10.23 KC Highways DM consider that the revised changes included within the current application are not expected to generate any additional trips or create any additional demand for parking over and above that which was originally anticipated as part of the previous approval. This is a material consideration in the assessment of the current application. However, KC Highways DM still consider that their previous concerns relating to parking in the surrounding streets and the resultant highway safety issues arising from this remain relevant. Notwithstanding this, Officers consider that based on the information provided by the applicant with respect to the local catchment of the Mosque, and the nature of the additional floorspace proposed (to show plant room and storage only), the circumstances relating to the current application are similar to that of the 2018 approval. As such, the current application is considered, on balance, to be acceptable from a Highways perspective, and in accordance with Policy LP21 of the KLP.

### Representations

- 10.24 The comments raised in representations in support are addressed as follows:
- The organisation has created a positive and confident atmosphere within the Dewsbury Moor area
  - **Response:** This is noted
  - The organisation has ensured positive education has reached local households
  - **Response:** This is noted
  - Do not consider parking to be an issue

- Response:** The highway safety aspects of the proposals are addressed above
- The extension will help the mosque to put on better events for local people and other attendees
  - **Response:** This is noted
  - Adjacent land was recently bought and is used for parking
- Response:** This is noted. However, the land is not included within the red line boundary of the application site.

The comments raised by objectors are addressed as follows:

The proposed extensions will result in a loss of sunlight in the mornings

**Response:** The site is located to the east of Nos. 205-211 Ravenshouse Road. Whilst there may be some overshadowing in the early part of the day, this is not considered to be significantly detrimental to the residential amenity of the occupiers of those properties, due to the separation distance between them and the site. Furthermore, the extended part of the building closest to these properties would be single storey in scale.

The privacy of residents on Ravenshouse Road will be reduced

**Response:** The site is considered to be located an adequate distance from neighbouring residential properties, as set out above.

Extensions will restrict light and views

**Response:** The matter of overshadowing is addressed above. The loss of a view is not a material planning consideration.

Use of the mosque results in noise disturbance to neighbouring residents

**Response:** KC Environmental Services have assessed the principle of extensions to the Mosque and raised no objections subject to the imposition of conditions

Various concerns relating to highway safety

**Response:** The agent has provided the results of a survey of the modes of transport used by worshippers to the site which demonstrates that the majority arrive on foot. In addition, as stated above, the submitted plans show that the proposals would not result in additional worshipping space, but instead, ancillary space in the form of office/storage and conference space

This is not required nor requested by the locality. There are at least 3 other Mosques within walking distance of this site

**Response:** This is not a material planning consideration

There is no need for a two storey extension

**Response:** Noted

Residents are being pressurised into signing a petition in support of the proposal

**Response:** This is acknowledged.

Concern over impact of the building process, with large vehicles blocking the road, the noise level it will create, impact on parking for residents, the general mess it will generate and the health and safety risks to residents

**Response:** This is an inevitable aspect of the construction process and is usually short lived.

The shop does not belong to the Mosque

**Response:** The applicant's agent has confirmed that the Mosque does own the shop. No documentary evidence has been received to contradict this.

The Mosque will not be used for local people

**Response:** This is noted.

### Other Matters

#### *Coal Mining Legacy*

- 10.25 The site is located within a High Risk Area as defined by the Coal Authority. A Coal Mining Risk Assessment was submitted with the previous application. The Coal Authority concurs with the recommendations set out within the submitted CMRA, and raises no objections to the proposed development, subject to the imposition of conditions requiring further intrusive site investigations to be undertaken before the commencement of development. This would ensure that the proposals accord with government guidance contained within Chapter 15 of the NPPF.

#### *Air Quality*

- 10.26 KC Environmental Services have requested that a condition was imposed, should permission be granted, requiring provision for electric vehicle charging. However, in this case the proposals relate to an existing place of worship and addition of ancillary facilities. As such, it is not considered reasonable in this instance to impose such a condition.

#### *Climate Change*

- 10.26 Chapter 12 of the KLP relates to climate change and states that "Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. The provision of electric vehicle charging points, as referred to in paragraph 10.24 above, would help to contribute towards the climate change emergency.

## *Crime Prevention*

10.27 The Council's Crime Prevention Officer has made recommendations regarding security measures which could be incorporated into the development, should permission be granted.

### **11.0 CONCLUSION**

11.1 To conclude, Officers consider that taking into account the previous approval, the amended proposals are acceptable, on balance, from a visual amenity perspective, and in accordance with relevant policies.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval

### **12.0 CONDITIONS**

1. Timescale for implementation
2. Development to be carried out in accordance with approved plans and specifications
3. Samples of external materials to be submitted
4. Call to Prayer (control hours, length of time and sound level)
5. Electric Vehicle Charging Points
6. Reporting of unexpected contamination
7. Intrusive site investigations (in relation to coal mining legacy)
8. Details of external artificial lighting

### **Background Papers:**

Web link to application details –

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92515>

Certificate of Ownership – Certificate A signed and dated 26/07/2019

Web link application 2017/93161 – Erection of extensions and alterations – approved

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93161+>

Web link to application 2015/92957 – Erection of extensions and alterations – approved

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92957+>